

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SMW (C) No. 6/2021

IN RE CHILDREN IN STREET SITUATIONS

WITH

SMW (C) No. 4/2020 (PIL-W)

IN RE CHILDREN IN NEED OF CARE AND PROTECTION DUE TO LOSS
OF PARENTS DURING COVID 19

(IA No. 64373/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 106490/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 74294/2020 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 86654/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 66078/2021 - CLARIFICATION/DIRECTION
IA No. 75234/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 13962/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 155677/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 74593/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 9708/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 56612/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 66729/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 105604/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 148051/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 9678/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 66079/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 105407/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 139251/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 8020/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 29795/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 103990/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 139238/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 74139/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 79258/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 29743/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 66077/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 103479/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 137902/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 76604/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 14581/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 103339/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 137767/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 61484/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 76104/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 14448/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 65469/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 87334/2021 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 134784/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 164115/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 59084/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 75739/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 14077/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 65158/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 106492/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 155722/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 30270/2021 - EXEMPTION FROM FILING O.T.
IA No. 74135/2020 - EXEMPTION FROM PAYING COURT FEE
IA No. 86651/2021 - INTERVENTION APPLICATION
IA No. 74292/2020 - INTERVENTION APPLICATION
IA No. 66075/2021 - INTERVENTION APPLICATION
IA No. 58712/2020 - INTERVENTION/IMPLEADMENT)

W.P. (Cr1.) No. 274/2020 (PIL-W)

(IA No. 139277/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 10286/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 8311/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 97311/2020 - GRANT OF INTERIM RELIEF)

Date : 17-01-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MRS. JUSTICE B.V. NAGARATHNA

For the parties: By Courts Motion

Mr. Gaurav Agrawal, AOR (A.C.)

FOR NCPCR

Mr. K.M. Natraj, Ld. ASG
Ms. Swarupama Chaturvedi, AOR
Ms. Indira Bhakar, Adv.
Mr. Rajesh Kumar Das, Adv
Ms. Soumya Kapoor, Adv.
Mr. Siddhant Yadav, Adv.
Ms. Himanshi Goel, Adv
Mr. Shreyank Tiwari, Adv.

Mr. K.M. Nataraj, Ld. ASG
Ms. Swati Ghildiyal, Adv.
Mr. Digvijay Dam, Adv.
Mr. Akshay Amritanshu, Adv.
Mr. Manish, Adv.
Mr. Vinayak Sharma, Adv.
Mr. M.k. Maroria, Adv.

Union of India

Mr. Aishwarya Bhati, ASG
Mr. Akshay Amritanshu, Adv
Ms. Swati Ghildiyal, Adv.
Mr. S.S. Rebello, Adv.

Ms. Chinmayee Chandra, Adv.
Mr. Prashant Singh(B), Adv.
Mr. B.V. Balram Das, AOR
Mr. G.S. Makker, AOR

M/o Lakshdweep and Daman & Diu & Nagar Haveli
Mr. Aishwarya Bhati, ASG
Mr. S.S. Rebello, Adv.
Ms. Swati Ghildiyal, Adv.
Mr. Akshay Amritanshu, Adv.
Ms. Chinmayee Chandra, Adv.
Mr. Prashant Singh B, Adv.
Mr. Raj Bahadur Yadav, AOR
Mr. Amrish Kumar, AOR

State of
Chhattisgarh

Mr. S.C. Verma, Sr. Adv./Adv. General
Mr. Sumeer Sodhi AOR
Mr. Arjun Nanda, Adv.
Mr. Gaurav, Adv.

H.C.of Chhattisgarh

Mr. Apoorv Kurup, AOR
Ms. Nidhi Mittal, Adv.

State of W.B.

Mr. Suhaan Mukerji, Adv.
Mr. Raghenth Basant, Adv
Mr. Vishaal Prasad, Adv.
Mr. Nikhil Parikshith, Adv.
Mr. Abhishek Manchanda, Adv.
Mr. Sayandeep Pahari, Adv.
PLR Chambers & Co.

State of Mizoram

Mr. Siddhesh Kotwal, Adv
Ms. Ana Upadhyay, Adv
Ms. Manya Hasiya, Adv
Ms. Pragya Barsaiyan, Adv
Mr. Akash Singh, Adv
Mr. Nirnimesh Dube, AOR

State of Haryana

Ms. Bansuri Swaraj, AAG
Dr. Monika Gusain, AOR

Mr. G.M.Kawoosa, Adv.
Ms. Taruna Ardhendhumauli Prasad, AOR

State of Karnataka

Mr. V. N. Raghupathy, AOR
Mr. Md Apzal Ansari, Adv.

State of Assam

Ms. Diksha Rai, AOR
Mr. Ankit Agarwal, Adv.
Ms. Ragini Pandey, Adv.

State of A.P.	Mr. Mahfooz A. Nazki, AOR Mr. Polanki Gowtham, Adv. Mr. Shaik Mohamad Haneef, Adv. Mr. T. Vijaya Bhaskar Reddy, Adv. Mr. K.V. Girish Chowdary, Adv. Ms. Rajeswari Mukherjee, Adv
State of Bihar	Mr. Manish Kumar, AOR Mr. Abhinav Singh, Adv
State of H.P.	Mr. Himanshu Tyagi, AOR
St. of Arunachal Pradesh, Guwahati, P&H H.C.	Mr. Abhimanyu Tewari, AOR Ms. Eliza Bar, Adv. Mr. Pai Amit, AOR
State of Manipur	Mr. Pukhrambam Ramesh Kumar, AOR
HC of Manipur	Mr. Sharan Thakur, Adv. Mr. Mahesh Thakur, AOR Mr. Siddhartha Thakur, Adv.
UT of Puducherry	Mr. Aravindh S., AOR Ms. C. Rubavathi Adv
State of Goa	Mr. Arun R. Pedneker, Adv. Ms. Mukti Chowdhary, AOR
State of Goa	Mr. Ravindra A. Lokhande, Adv. Ms. Ambika Atrey, Adv. Dr. Abhishek Atrey, AOR
State of Kerala	Mr. Nishe Rajen Shonker, Adv Ms. Anu K Joy, Adv Mr. Alim Anvar, Adv
State of Odisha	Mr. Sibho Sankar Mishra AOR Mr. Niranjana Sahu Adv Mr. Umakant Misra Adv
State of Odisha	Dr. Anindita Pujari, AOR
State of Tripura	Mr. Shuvodeep Roy, AOR Mr. Kabir Shankar Bose, Adv. Mr. Ishaan Borthakur, Adv.
State of Gujarat	Ms. Deepanwita Priyanka, AOR
State of Meghalaya	Mr. Amit Kumar, AG Mr. Avijit Mani Tripathi, AOR

Mr. Upendra Mishra, Adv.
Mr. Kynpham V. Kharlyngdoh, Adv.
Mr. P.S. Negi, Adv.

State of Punjab Mr. D.S. Patwalia, Adv. General
Ms. Jaspreet Gogia, AOR
Ms. Mandakini Singh, Adv
Mr. Karanvir Gogia, Adv
Ms. Shivangi singhal, Adv.
Mr. Varnika Gupta, Adv
Ms. Ashima Mandla, Adv

State of Rajasthan Dr. Manish Singhvi, Sr. Adv.
Mr. Arpit Parkash, Adv
Mr. Sandeep Kumar Jha, AOR

State of U.P. Ms. Garima Prashad, Sr. Adv./AAG
Mr. Rohit K. Singh, AOR.
Mr. Parth Yadav, Adv
Mr. Akshay Chowdhary, Adv.

State of Telengana Mr. S. Udaya Kumar Sagar, AOR
Ms. Sweena Nair, Adv.
Mr. P. Mohith Rao, Adv.

State of T.N. Dr. Joseph Aristotle S., AOR
Ms. Preeti Singh, Adv.
Ms. Nupur Sharma, Adv.
Mr. Sanjeev Kumar Mahara, Adv.

State of Nagaland Ms. K. Enatoli Sema, AOR
Mr. Amit Kumar Singh, Adv
Ms. Chubalemla Chang, Adv.

NCT Delhi Mr. Chirag M. Shroff, AOR

Delhi H.C. Mr. Gautam Narayan, AOR
Ms. Asmita Singh, Adv

State of Mah. Mr. Sachin Patil AOR.
Mr. Rahul Chitnis, Adv.
Mr. Aaditya A. Pande, Adv
Mr. Geo Joseph, Adv.
Ms. Shwetal Shepal, Adv.

State of Jharkhand Ms. Pragya Baghel, Adv
Ms. Pallavi Langar, AOR
Ms Shelley Singh, Adv

State of Uttarakhand Ms. Rachana Srivastava, AOR

Jharkhand H.C.	Mr. Krishnanand Pandey AOR
State of Sikkim	Mr. Raghvendra Kumar, Adv. Mr. Anand Kumar Dubey, Adv. Mr. Nishant Verma, Adv. Mr. Rajiv Kumar Sinha, Adv. Mr. Simanta Kumar, Adv. Mr. Narendra Kumar, AOR
St. of Uttarakhand	Mr. Saurabh Trivedi, AOR Mr. Tanmay Agarwal, Adv
State of M.P.	Mr. Pashupati Nath Razdan, AOR. Mr. Astik Gupta, Adv. Ms. Sneha Bairwa, Adv. Mr. Prakhar Srivastava, Adv.
H.C. of M.P.	Mr. Arjun Garg, AOR Ms Sagun Srivastava Adv
U.T. of Chandigarh	Mr. Ankit Goel, AOR
INT	Ms. Shobha Gupta, AOR Mr. Nishant Bahuguna, Adv Jessy kurien, Adv
Ryan Intl. School	Mr. Romy Chacko, AOR
Society for Socio Legislative Reforms	Mr. Abhishek Swarup, Adv. Ms. Lalita Kohli, Adv. Mr. Vikrant Nehra, Adv. M/S. Manoj Swarup And Co., AOR
For Impleadment	Mr. Ankur S. Kulkarni, AOR Ms. Uditha Chakravarthi, Adv
Haryana	Mr. Ajay Bansal, AAG Mr. Sanjay Kumar Visen, AOR Mr. Gaurav Yadava, Adv Ms. Veena Bansal, Adv Mr Sorav Jindal, Adv.
6.2 (R-25)	Mr. Shekhar Raj Sharma, Dy. AG Haryana Mr. Sanjay Kumar Visen, AOR Mr. Paras Dutta, Adv. Mr. Bhanwar Jadon, Adv. Ms. Babita Mishra, Adv.

6.2

Ms. Adira A Nair, Adv.

Ms. Anitha Shenoy, Sr. Adv.

Ms. Srishti Agnihotri, AOR

Mr. Abishek Jebaraj, Adv

Ms. Kriti Awasthi, Adv.

Ms. Nimisha Menon, Adv

Ms. Sanjana Grace Thomas, Adv.

Ms. Aarti Krupa Kumar, Adv.

Mr. Nikhil Goel, AOR

Ms. Naveen Goel, Adv.

Mr. Vinay Mathew, Adv.

Mr. Nishanth Patil, AOR

Ms. Malvika Kala, Adv.

Ms. Kaveri Rawal, Adv.

Mr. Annam D. N. Rao, AOR

Ms. Preeti Singh, AOR

Ms. Uttara Babbar, AOR

Mr. Gopal Singh, AOR

Mr. G. Prakash, AOR

M/S. Knc, AOR

Mr. Malak Manish Bhatt, AOR

Mr. Pukhrambam Ramesh Kumar, AOR

Mr. Annam D. N. Rao, AOR

Mr. M. Yogesh Kanna, AOR

Ms. Radhika Gautam, AOR

Ms. Pinky Behera, AOR

Mr. Raj Bahadur Yadav, AOR

Ms. Astha Sharma, AOR

Mr. Ajay Pal, AOR

Ms. G. Indira, AOR

UPON hearing the counsel the Court made the following
O R D E R

SMW (C) No.6/2021

By an Order dated 13.12.2021, the NCPCR was directed to file a status report about the information uploaded by the State Governments/Union Territories on the Bal Swaraj - CiSS portal of the NCPCR. The State Governments/Union Territories were

also directed to file status reports about the steps taken for rescuing and rehabilitating the children in street situations within a period of three weeks from the date of the order.

In the status report filed, the NCPCR has brought to the notice of this Court that meetings were held with the authorities of the State Governments/Union Territories on 5th, 6th and 7th January, 2022 to discuss the steps to be taken for implementation of the SOP 2.0 in relation to Children in Street Situations ("CiSS"). Barring a few States, all the State Governments/Union Territories have participated in the meetings. The data of CiSS uploaded on the Bal Swaraj - CiSS portal till 11.01.2022 shows that only 9945 CiSS have been identified. Whereas, a rough estimate of CiSS, according to the NCPCR, would be around 15 lakhs. Identification of CiSS is the first step for the purpose of rescuing them from the streets and rehabilitating them. The information that is provided with respect to the other stages on the Bal Swaraj - CiSS portal by the State Governments/Union Territories is also not satisfactory. Learned counsel appearing for the State Governments/Union Territories submitted that instructions will be given to all the District Magistrates and the

concerned authorities that the identification and rehabilitation of the CiSS shall be taken up without any further delay.

Section 32 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (the "JJ Act") provides for mandatory reporting of children separated from their guardians and the production of such children before a Child Welfare Committee or the District Child Protection Unit or a child care institution registered under the JJ Act. Not providing the information in relation to such children as required under Section 32 of the JJ Act shall be regarded as an offence under Section 33 of the Act, for which a person shall be liable for imprisonment up to six months or fine or both under Section 34 of the Act. Section 107 of the JJ Act provides for constitution of Special Juvenile Police Units. According to Section 107 (2), Special Juvenile Police Units ("SJPU") shall be constituted by the State Governments in each district and city, headed by a police officer not below the rank of a Deputy Superintendent of Police and consisting of all police officers designated under sub-section (1) as child welfare police officers and two social workers having experience of working in the field of child welfare, of whom one shall be a woman.

The slow pace of the identification of CiSS is due to COVID-19, according to the learned counsel appearing for the State Governments/Union Territories. We have indicated in the orders passed earlier that the District Magistrates can take the assistance of the District Legal Services Authorities and voluntary organisations to carry out the statutory duties according to the JJ Act. As the implementation of the directions issued by this Court on earlier occasions relating to the identification and rehabilitation of CiSS does not brook any more delay, we direct all the District Magistrates to involve the SJPU's, District Legal Services Authorities and voluntary organisations in identification and rehabilitation of CiSS. The District Magistrates are also directed to upload the information pertaining to all stages on the Bal Swaraj - CiSS portal of the NCPCR.

The learned Amicus Curiae submitted that there is no information provided in any of the affidavits filed by the State Governments regarding the steps taken for rehabilitation of those children who have been found to be in street situations. He asserted that it is imminent that the State Governments take policy decisions regarding the procedure to be followed by the authorities for rehabilitation of

the CiSS. In the next meeting to be conducted by the NCPCR, the issue relating to rehabilitation of CiSS should be discussed, without waiting for all the stages on the Bal Swaraj - CiSS portal to be completed. Without prolonging the process any further, the State Governments, with the guidance of the NCPCR, shall formulate policy for the rehabilitation of CiSS after they have been identified as such in the streets. In the status reports which shall be filed by the State Governments/Union Territories within a period of three weeks from today, steps taken in this regard shall also be mentioned.

Ms. Shobha Gupta, learned counsel, submitted that it is high time that the authorities who have not been acting in accordance with the provisions of the JJ Act should be taken to task as the statute itself provides for penalties. We do not want to exercise such power at this stage.

We appreciate the stand taken by the learned counsel appearing for the State Governments/Union Territories to ensure that those CiSS who are living in inhumane conditions are rescued at the earliest. Though the progress of identification of these children to provide them with the basic amenities has been slow, the State Governments/Union

Territories have started discharging their constitutional duties to ameliorate the living conditions of the distressed children fighting for survival on the streets.

We direct the State Governments/Union Territories to instruct all the concerned authorities to take prompt action in the identification and rehabilitation of children in street situations.

List this matter, along with SMW (C) No. 4/2020, on 21.02.2022 at the end of the Board.

W.P. (Crl.) No. 274/2020

List on 24.01.2022 at the end of the Board.

(Geeta Ahuja)
Court Master

(Anand Prakash)
Court Master